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EI, IT

SUBJECT: Breaking the UNGASS Impasse on "Harm Reduction"

REF: A) UNVIE 00001, B) Tsai-Pala 1/23 email

¶1. (U) This is an action message for INL/PC and IO/T. Please see paragraph 7.

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Summary  
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¶2. (SBU) Negotiations for the UNGA special session have hit an impasse, created by EU insistence on adding the controversial term "harm reduction" to various parts of the draft UNGASS action plan and political declaration. While Canada, an opponent of the term's inclusion, is considering conceding to EU demands, other opponents are standing firm with the U.S. in preventing such a problematic element's inclusion. Mission has engaged counterparts at every level, from experts to ambassadors in an attempt to break the impasse and find compromise language. Mission believes there is increasing pressure within the EU to resolve this gridlock and avoid an embarrassing showdown at the March Commission on Narcotic Drugs (CND) but some delegations will be inclined to hold this issue hostage up until the opening of the CND, in hopes the US will relent. To facilitate EU compromise, Mission recommends that the Department reach out to various capitals and the European Commission to help underscore the firmness of U.S. resolve-both to our allies and to the EU, before the EU horizontal group meeting in Brussels on February 4. Mission has urged like-minded countries here (Japan, Russia, Colombia) to take similar actions. End Summary.

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EU Crusade on "Harm Reduction"  
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¶3. (SBU) There have been difficult negotiations in Vienna on the "harm reduction" issue in the demand reduction chapter of the draft UNGASS action plan (Ref A) and political declaration. The Czech Republic reiterated this demand on January 26 on behalf of the presidency. The plan will be annexed to the political declaration expected to be issued by ministers attending the high-level segment of the UNGASS review meeting in Vienna March 10-12, 2009. The main divide is between EU advocates for including "harm reduction" in the plan, and those who oppose such inclusion, namely U.S., Russia, Japan, Colombia and possibly Canada. Although opposed to harm reduction, Canada's experts in Ottawa are receptive of a recent compromise (including the term in a footnote rather than in the text), and we understand that Ottawa will have a discussion on the political level to decide how to handle this issue.

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Is it EU Solidarity or  
UK Leading the Crusade?  
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¶4. (SBU) Recent meetings to reach a compromise with EU had been inconclusive. The USG cannot accept including the specific term "harm reduction" in any part of the action plan. The USG also wants the section to focus on "prevention, treatment and rehabilitation" in the consideration of any demand reduction strategy. The EU, on the other hand, appears less concerned about treatment and

rehabilitation. The EU presented a very hard-line position in the opening rounds of these negotiations in mid-January. Subsequently, Mission conducted extensive consultations at all levels, including between Ambassador and the DCM with their counterparts. Mission's conclusion is that the EU may not have a tightly united front. The UK is the primary and most vocal crusader on this issue, although Netherlands does lend occasional support, as do Spain and the EC. Importantly, other EU countries, initially implacable, appear to be wavering (e.g., Germany). Still others have expressed varying degrees of flexibility, including France, Belgium, Ireland, and Italy, as well as Sweden, which is closest to the U.S. position.

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Next Steps for Mission  
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15. (SBU) Mission continues to engage with both skeptics and proponents of "harm reduction." To that end, Mission plans to offer alternative language, previously sent to INL/PC (Ref B) at the next informal consultations. Mission's language is based on the November 2008 UNGA resolution on international drug control (A/63/432), which found consensus in New York. Importantly, that language was co-sponsored by 58 countries, including the U.S. and at least 7 EU countries. Mission will propose inserting "care" into the language as a way to address EU concerns. U.S. proposed language for paragraph 9 of the draft Action Plan, therefore, would read,

"Develop, review and strengthen, as appropriate, prevention, treatment, care and rehabilitation of drug use disorders and to take measures to reduce the social and health consequences of drug abuse as governmental health and social priorities, in accordance with international drug control treaties, and where appropriate, national legislation."

(Note: The 7 EU co-sponsors of the November 2008 UNGA resolution are: Austria, Belgium, Czech Republic, Denmark, Ireland, Italy, and Latvia. End Note.)

16. (SBU) Mission has shared this language with Japan, Russia, and Colombia, as well as the CND chair Namibia, who is chairing the current negotiations on the political declaration. Offering this language will allow Mission to more constructively engage the EU and the chair of the working group (Iran) (who has taken a very active role in trying to find consensus). Although Iran chair had originally scheduled another informal meeting for the afternoon of January 27, Namibian ambassador told Missionoffs and their Japanese and Russian counterparts the morning of January 27 that she would announce the cancellation of that meeting until further notice. She said she had heard from many delegations that there should be a "cool down" period on this issue. According to her, many delegations are opposed to the EU position, even though they did not speak up on the floor.

17. (SBU) Mission has suggested like-minded countries (Russia, Japan, Colombia) to intervene at the ambassadorial level in Vienna. We have also suggested that their capitals demarche relevant countries. Mission will also ask the G-8 chair in Vienna, the Italian ambassador, to convene a meeting of the G-8 members to underline the same. By engaging EU member states in a different context, it may help them to reevaluate their dogmatic and unproductive approach.

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Recommended Actions  
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18. (SBU) Action Request: The EU's horizontal group will have its next coordination meeting on drugs in Brussels on February 4. In order to break EU unity on this issue, and thereby create a climate in Vienna conducive to compromise, Mission recommends engagement both with skeptics and supporters of the issue. Specifically, Mission recommends;

(i) Department instruct USEU to contact the European Commission's horizontal group on drug control (Carol Edwards at the EC). Instructions should note that the potential for embarrassment is great for the EU, should the EU hold hostage an entire document because of one sub-issue in one section of the action plan.. Mission believes that each passing week without compromise will add

increasing pressure within the EU to resolve this issue and prevent embarrassment for national ministers planning to attend the CND. Instructions should also note that the March CND will be the first foray of the Obama administration into the international drug arena, and all sides should be keen to make it a positive one.

(ii) Department instruct U.S. Embassies Tokyo, Moscow, and Bogota to reach out to host governments and emphasize our need to continue supporting each other, as well as the firmness of U.S. resolve and the continuity of our policy vis-à-vis "harm reduction." It is important that our allies on this issue remember that the burden is on the EU, as the proponent of the term, to convince other delegations—not the other way around.

(iii) Department instruct U.S. Embassy Ottawa to persuade Ottawa at a political level that it should at least consider remaining silent on the EU proposal for the time being, and/or until the EU shows more flexibility. Although there is pressure in Vienna on all delegations to commit to the EU proposal, Ottawa should remember that there is no need to accede to hard-ball tactics, and that the goal is for all sides to find common ground.

(iv) Department instruct U.S. Embassy London to underscore the need to find common ground. Mission believes that UK's expert in Vienna is a driving force behind the current EU approach, and that she may find herself isolated within the EU as other delegations begin to feel the urgency for compromise.

(v) Department instruct U.S. Embassy Prague to reaffirm with the EU presidency the importance of finding common ground. Instructions should note the importance the USG places on getting US-EU relations off on the right foot, and that nothing related to the CND jeopardizes that common goal. Instructions should also note that the Czech Republic was one of the co-sponsors of the November 2008 UNGA resolution on International Drug Control (A/63/432).

(viii) Finally, that Department instruct U.S. Embassies Berlin, Brussels, Paris, Dublin, Rome, and especially Stockholm (as well as any other capital who may be more sympathetic to the need for compromise) to underline the firmness of our position, and the importance of finding common ground for the March ministerial meeting. Instructions should also note that Belgium, Ireland and Italy co-sponsored the November 2008 UNGA resolution A/63/432. In particular, it should be noted that the current EU proposal effectively eliminates the draft's previous focus on prevention, treatment and rehabilitation. Although there may be some disagreement on "harm reduction," Mission believes all delegations should be concerned that the elimination of prevention, treatment and rehabilitation from their prominent place in the draft may give the wrong signal that member states are no longer focusing on the critical need to reduce the demand for drugs.

Schulte